



U.S. Department of Justice

*United States Attorney
District of Massachusetts*

Main Reception: (617) 748-3100

United States Courthouse, Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210

January 14, 2005

Willie J. Davis, Esq.
Davis, Robinson & White, LLP
One Faneuil Hall Marketplace, 3rd Fl.
South Market Building
Boston, MA 02109

Re: United States v. Dexter Brown
Criminal No. 04-10179-RGS

Dear Attorney Davis:

Pursuant to Fed. R. Crim. P. 16 and Rules 116.1(C) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts, the government provides the following additional automatic discovery in the above-referenced case:

3. Documents and Tangible Objects under Rule 16(a)(1)(E)

Enclosed herein are copies of the following documents, which represent books, papers, documents and tangible items which are within the possession, custody or control of the government, and which are material to the preparation of the defendant's defense or are intended for use by the government as evidence in its case-in-chief at the trial of this case:

- a) ATF Reports of Investigation, which include, among other things, a second interview and a supplement affidavit of Sonya Stanford Lewis, dated 9/7/04, relative to a sixth uncharged firearm which Ms. Lewis stated she sold to the defendant, Dexter Brown. Said firearm, described as a Bryco Arms, Model 38, .380 caliber pistol, bearing serial # 1324714, was recovered from a motor vehicle on 2/14/03 operated by Michael Burton during a Boston Police Drug Control Unit's

execution of a search warrant. At the time this firearm was recovered it had an obliterated serial number, which was later restored by the Boston Police Department Crime Laboratory. (**See Bates No. 080-088**); and

- b) A Boston Police Department *Incident Report*, relative to the recovery of a Bryco Arms, Model 38, .380 caliber pistol, bearing serial # 1324714 from Michael Burton, along with copies of the BPD Crime Laboratory Unit *Examination Reports* (**See Bates No. 085-088**).

I have also enclosed the following documents:

- a) ATF Report of Investigation, *ATF Firearms Trace Summary and Notice of Abandonment of Property* report, relative to the recovery of a loaded Smith & Wesson, Model 65-3, .38 caliber revolver, serial # BAN6014, and nine rounds of .38 special ammunition, that the defendant voluntarily turned over to ATF on or about 7/15/04 (**See Bates No. 089-092**). Said firearm and ammunition had been stored at the defendant's parent's residence in Peabody, MA, prior to their recovery; and
- b) Commonwealth of Massachusetts State Laboratory examination and analysis reports dated 6/24/04 and 7/1/04 relative to the small amount of cocaine and residue recovered from the defendant at the time of his arrest (**See Bates No. 093-094**).

4. Reports of Examinations and Tests under Rule 16 (a)(1)(F)

As described above, the Boston Police Department Crime Laboratory Unit restored the serial number on the Bryco Arms, Model 38, .038 caliber pistol (serial # 1324714) that was recovered from Michael Burton; the report prepared by Senior Criminalist Eileen C. Walsh, dated 8/23/04, is enclosed herein (**See Bates No. 087-088**).

As described above, the Commonwealth of Massachusetts State Laboratory examined and analyzed the cocaine and residue recovered from the defendant at the time of his arrest; the reports prepared by Assistant Analysts Michael Lawler and Della Saunders, dated 6/24/04 and 7/1/04, are enclosed herein (**See Bates No. 093-094**).

There are no other reports of physical or mental

examinations of the defendant.

Please feel free to call me at (617) 748-3103 if you have any questions regarding the above.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Enclosures

cc: Lisa Roland, Deputy Courtroom Clerk
to the Honorable Charles B. Swartwood III
(w/o enclosures)